

## 02.00 DEFINITIONS

## 02.01 Accessory Use:

A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use shall be restricted to the same lot as the principal use.

If more than 30% of the floor area or 50% of the lot area is occupied by such use, it shall no longer be considered accessory. Accessory use shall not be construed to include a building or structure used in whole or in part for human habitation. An accessory building's cubic footage is not to exceed the cubic footage of the principal structure.

02.02 Accessory use to a water dependent use: is customarily associated with and necessary to accommodate a principal water dependent use; is integral in function to the construction or operation of the water dependent use or provides related goods & services primarily to persons engaged in such use; and commensurate in scale with the operation of the water dependent use.

If more than 30% of the floor area or 50% of the lot area is occupied by such use, it shall no longer be considered accessory. Accessory use shall not be construed to include a building or structure used in whole or in part for human habitation. An accessory building's cubic footage is not to exceed the cubic footage of the principal structure.

## 02.03 Apartment:

A dwelling unit within a multi-unit dwelling structure with at least one (1) private entrance, either from the outside or from a common hall inside, and which is usually leased for periods of six (6) months or more.

## 02.04 Area of Special Flood Hazard:

Lands within the 100' Year Stillwater Flood Zone as designated on the Federal Insurance Rate Map.

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02.05 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably

## 02.00 DEFINITIONS, continued

regulated by local building inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw

02.06 Awning:  
Any flexible or fixed, overhanging, roof-like device extending from a building used for shading or sheltering entrances or sidewalks.

02.07 Bakery/Deli:  
Food Service Establishment engaged in selling baked or deli goods prepared and portioned on site for the general public for personal or household consumption or for resale; and rendering services incidental to the sale of such goods.

02.08 Banner:  
Any piece of fabric or similar material, whether flexible or rigid mounted on a staff, a pole, or affixed to a building by string, rope or wire.

02.09 Beacon:  
Any sign with rotating or moving beams of light or any device with rotating or moving beams of light used as a sign or to attract attention.

02.10 Boat Services:  
Retail, wholesale or manufacturing use of premises for the design, manufacture, repair, sale, docking hauling, or storage of boats; or for the design, manufacture, repair or storing of marine equipment & appurtenances or sails; marine-related offices; use for storage of fishing gear, marine taxi and related

## 02.00 DEFINITIONS, continued

## 02.10 Boat Services, cont.

services; sale at dockside of marine fuel and related marine products.

## 02.11 Commercial:

Operated for profit, or when used by other than the owner, the owner's family or private non-paying guests, when sited on the same premises where a business is conducted; or when used in any manner, directly or indirectly, for the promotion or advertising of a business or services

## 02.12 Directory:

Any sign made up of other signs serving the sole function of identifying different businesses on one property with multiple-unit occupancies.

## 02.13 Display Signs:

Any exterior sign or other collection of merchandise, works of art or craft, models, statuary, which serves at least in part to draw attention to or identify a business or to signify that it is open for business.

## 02.14 Domicile:

The place where a person has his/her true, fixed and permanent home which is his/her principal residence and to which he/she, when absent, regularly returns. It is also the dwelling place he/she inhabits more frequently and for longer periods than any other (excluding business or government service temporary duty assignments) during the course of a calendar year. The meaning of domicile is distinct from declared residence, although the two terms could refer to the same place.

## 02.15 Dwelling Structure:

A building designed or arranged to accommodate one (1) or more dwelling units.

Any mobile home, trailer, car, bus, van, wagon, truck or camper, regardless of design, arrangement, modification, equipage, method of securing or siting,

## 02.00 DEFINITIONS, continued

## 02.15 Dwelling Structure, cont.:

is not a dwelling structure; and, dwelling structure use is prohibited, except as provided for under Mobile Home Parks.

## 02.16 Dwelling Unit:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit shall also mean a condominium.

Each guest unit in a hotel or motel, each four (4) beds in a hospital nursing home or Assisted Living Facility, accommodations for four (4) persons in a dormitory, and each four (4) rooms in a rooming or boarding house shall be considered equivalent to a dwelling unit in determining net land area and parking requirements.

## 02.17 Exception:

A "Permit" or "Special Permit".02.00

## 02.18 Family:

Any number of individuals related by blood or marriage, or not more than five (5) persons not so related, living and cooking together in a single housekeeping unit.

## 02.19 Federal Emergency Management Agency (FEMA):

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program of communities as well as regulatory standards for development in the flood hazard areas.

## 02.20 Flood Insurance Rate Map (FIRM):

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

## DEFINITIONS, continued

- 02.21 Floor Area Ratio:  
The ratio of net floor area of all buildings to the lot area. The net floor area is the sum, in square feet, of the horizontal area on the first and second floors of a building measured from the exterior face of exterior walls.
- 02.22 Food Service Establishment:  
Any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, including any restaurant, coffee shop, cafeteria, luncheonette, short order cafe, grille, tearoom, sandwich shop, soda fountain, industrial feeding establishment; private, public or non-profit organization or institution routinely serving the public, catering kitchen, commissary, or any other similar eating and drinking establishment or place in which food or drink is prepared for sale or for service on the premises or elsewhere, or where food is served or provided for the public with or without charge, but excluding retail stores where food preparation is
- 02.22 Food Service Establishment, continued:  
limited to making hot coffee and providing hot water for customer use.
- 02.23 Frontage:  
Line of property on a street or public way. Corner lots shall be considered to have two (2) frontages.
- 02.24 Ground Mounted Signs:  
A sign attached to the ground and supported by uprights placed on or in the ground. Any sign structurally separate from the building, being supported on itself or on a standard or legs.
- 02.25 Guest House:  
A subordinate dwelling structure containing a single dwelling unit and which is owned by the same individual or family that occupies the principal dwelling structure on the lot.

## 02.00 DEFINITIONS, continued

## 02.26 Height of Structures:

The height of a structure is the vertical distance from the mean natural grade to the highest point of the roof ridge of the structure.

In the Waterfront/Commercial District, the height shall be measured vertically from the finished first floor level (100 Year Still Water Floor Level) as designated on the Flood Insurance Rate Map (FIRM) of the structure to the highest point of the roof ridge of the structure.

## 02.27 Home Occupation:

A business use within a residential dwelling conducted by the resident.

## 02.28 Hotel:

A commercial dwelling structure of more than four (4) rooms, rented for periods as short as one (1) day, having available to its guests a wide variety of services, such as eating places, laundry and room service, located in the same building or adjacent thereto. Each hotel room has a private inside entrance and sleeping and sanitary facilities.

## 02.29 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

## 02.30 Lot Area:

The contiguous horizontal area within the exterior lines of a lot, excluding any land which is under any water body or bog, dry bog, swamp, wet meadows or marsh (as defined in MGL c.131, s.40)

## 02.31 Lot Coverage:

A ratio of the lot area compared to the footprint of the structure.

## 02.00 DEFINITIONS, continued

## 02.32 Map:

A representation of the earth's surface, or of some part of it, showing the relative position of the parts represented, usually on a flat surface.

Where a plan is required, or referred to, in this Bylaw, a map alone is not sufficient in meeting the requirement; however, in appropriate circumstances, a map may be considered as part of a plan. (see definition of plan)

## 02.33 Marina:

Means a berthing area with docking facilities under common ownership or control and with berths for ten (10) or more vessels, including commercial marinas, boat basins, and yacht clubs. A marina may be an independent facility or may be associated with a boatyard.

## 02.34 Marine Transport Services:

Including ferries, public landings, ramps, docks, and charter services.

## 02.35 Medical Marijuana Cultivation Area

The land area and space within a building (excluding the areas used for processing or dispensing) where plants are cultivated. (Adopted on April 29, 2014)

## 02.36 Mixed Use:

A structure which contains non-residential uses on the first floor and may contain one (1) dwelling unit on any other floor per parcel.

## 02.37 Motel:

A commercial dwelling structure or more than four (4) rooms, rented for periods as short as one (1) day, which, except for "self-service" provisions, usually does not include room service or eating places within the same building. Each motel room has a private inside or outside entrance, sleeping and sanitary facilities. At least one (1) vehicular parking space is typically provided for each motel room.

## 02.00 DEFINITIONS, continued

## 02.38 Multi-family Dwelling:

A dwelling containing two (2) or more dwelling units in the same structure; each unit with at least two (2) entrances to the outside, yard space of its own, separate utilities and services, and separate parking and/or garaging, arrangements.

## 02.39 Multi-unit Dwelling:

The number of dwelling units does not exceed two (2), the number of bedrooms per dwelling unit does not exceed two (2), and the number of dwelling structures does not exceed two (2) on any lot, including contiguous lots under the same ownership.

## 02.40 Net Land Area:

From the gross land area the following areas are deducted:

- the entire area of any and all established rights of way;
- the areas which are in excess of, or in excess of a combination of the following:
  - for multi-unit developments of nine (9) or more dwelling units:
    - four hundred (400) square feet per dwelling unit for vehicular parking;
    - a driveway, or driveways which have combined areas in excess of the equivalent of a driveway twenty (20) feet in width and of a length not to exceed the shortest distance from the main entrance to the multi-unit dwelling located farthest from the public way main entrance herein above set forth;
  - for multi-unit dwelling developments of eight (8) or less units:
    - three hundred (300) square feet per dwelling unit for vehicular parking;
    - a driveway, or driveways, which have combined areas in excess of the equivalent of a driveway twelve (12) feet in width and of a length not to exceed the shortest distance from the main entrance to the multi-unit dwelling located farthest from the public way main entrance herein above set forth.

The Board of Appeals or the Planning Board may restrict areas allowed for vehicular parking or



## 02.00 DEFINITIONS, continued

## 02.41 Net Land Area, continued:

passage to those submitted by plan; or may otherwise in specific cases and upon a finding of sufficient cause, identify and exclude other areas in determining net land area.

02.42 Non-Appurtenant Sign:  
Same as off-premise sign.02.43 Non-commercial:  
Not operated for profit or in association with a business, trade or service.02.44 Non-water dependent uses:  
Restaurants and other food/beverage(non alcohol) service establishments, retail shops & stores, parking facilities, office facilities, housing units & other residential facilities; hotels, motels, and other facilities for transient lodging; and as further defined in 310 CMR 9.00.02.45 Off-Premise Sign:  
Any sign that directs attention to an occupation, business, commodity, service, or entertainment on other premises.

## 02.46 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

02.47 Outdoor Cafe:  
An accessory use to a restaurant or Food Service Establishment; is an outdoor area adjacent to or directly in front of such use. The encroachment area of an outdoor cafe shall be separated from a public way by railings, fencing or landscaping or a combination thereof.02.48 Parcel:  
A part or portion of land.

## 02.00 DEFINITIONS, continued

02.49 Pennant:  
Any small, triangular flag.

02.50 Permit:  
An exception, authorized under the Special Permit provisions of Chapter 40A, MGL (re: Chapter 808 of the Acts of 1975), granted by the Zoning Board of Appeals for certain uses as provided in the Zoning Bylaw and which may be subject to conditions and restrictions, consistent with this Bylaw, set forth by the Zoning Board of Appeals.

02.51 Permit Granting Authority:  
The Zoning Board of Appeals as provided for in Chapter 40A, MGL (re: Chapter 808 of the Acts of 1975). The Zoning Board of Appeals hereinafter shall be referred to as Board of Appeals.

02.52 Plan:  
A delineation; a design; a draft; a draft or form or representation; the representation of anything drawn

02.00 DEFINITIONS, continued

on a plane, as a map or chart; a scheme; also a method of action, procedure, or arrangement.

As used in this By-law, plan shall mean a plan executed to appropriate, and/or required, standards of quality, completeness and arrangement in keeping with the context of usage, the Rules and Regulations of any Town Board requiring the submittal of a plan and the standards of any official receiver or recorder of plans.

02.53 Plot:  
A map, or representation on paper, of a tract of land subdivided into lots, with streets, ways, etc., usually drawn to scale.

02.54 Pre-application Conference:  
A review meeting of a proposed development held between applicants and the Planning Board and or Staff, as provided in the Bylaw, before formal submission of an application for a Permit or Special

## 02.00 DEFINITIONS, continued

## 02.54 Pre-application Conference, cont.:

Permit, under Section 06.00.00 of these Bylaws. This provides applicants the opportunity to present their proposals informally and to receive comments and directions from the Town.

## 02.55 Projecting Signs:

Any sign affixed to a wall by means of a bracket in such a way that it extends in the perpendicular direction away from the wall.

## 02.56 Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

02.57 Registered Marijuana Dispensary  
A non-profit entity registered under 105 CMR 725.000 et seq. that acquires, possesses, processes (including development of related products such as MIPs (marijuana-infused food products), tinctures, aerosols, oils or ointments), cultivates, manufactures, delivers, transfers, transports, supplies, sells, distributes, dispenses or administers marijuana, products containing marijuana and/or related supplies and educational materials to registered qualifying patients or their registered primary caregivers (Adopted: April 29, 2014, Art. 11)

## 02.58 Restaurant:

A Food Service Establishment that serves food and beverages primarily to persons seated within the building.

## 02.59 Retail Trade:

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Trade shall not include automotive rental or services, drive-up facilities or any type of restaurant.

## 02.00 DEFINITIONS, continued

## 02.60 Road:

A way which is the same as a street but without the implication of specific improvements i.e. paving, width, utilities, or sidewalks.

## 02.61 Roof-Mounted Signs:

Any sign which is attached to the roof of a structure or projects further than the height of the roof line of which it is attached.

## 02.62 Room, Rental:

A space, within a dwelling structure, enclosed on all sides and which may include a sanitary (but not cooking) facility and which is rented for the purpose of habitation.

## 02.63 Rooming House and Boarding House:

An established private residence with rental rooms; and which, in the case of a Boarding House, provides meals for the occupants of such rooms.

## 02.64 Self-Supporting Sign:

Any free-standing sign.

## 02.65 Severable Use:

A use which is readily terminated, removed or changed to a different category or use without major alteration of the principal structure, and without appreciable land filling or excavation.

## 02.66 Sign:

Any device or means used to alert, advertise, identify, or communicate information, by word, symbol, or design.

## 02.67 Sign Size:

The area of the face of the sign, the side that is displayed. In the case of signs displaying two faces or sides, such as hanging, projecting signs, the size of the sign is the same as above, that is, the area of one of the sides or faces, unless the two faces or sides on display are separated by more than six (6) inches, in which case the two faces or sides shall be considered two (2) signs, and shall be counted as two

- 02.00 DEFINITIONS, continued
- 02.67 Sign Size, cont.  
(2) signs in the aggregate total sign area and number of allowed on the premises.
- 02.68 Site Plan Review Board:  
The Site Plan Review Board shall act as an advisory body to the Zoning Board of Appeals, the Planning Board, the Building Inspector and the Zoning Enforcement Officer in reviewing all applications for Permits and/or Special Permits within the Coastal District, the Tisbury Island Road District, and the Waterfront Commercial District as provided for in Sections 06.00, 09.00 and 10.00 and, in future, as provided for in any amendments to the Zoning By-Law.  
**(Adopted: April 29, 2014 - Art. 12)**
- 02.69 Snack Bar:  
Any eating Food Service Establishment where commodities are consumed outside the principal building.
- 02.70 Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.
- 02.71 Special Permit:  
An exception, authorized under the Special Permit provisions of Chapter 40A, MGL (re: Chapter 808 of the Acts of 1975), granted by the Planning Board under the authority of this Bylaw.
- 02.72 Special Permit Granting Authority:  
The Planning Board as provided for in Chapter 40A (re: Chapter 808 of the Acts of 1975).
- 02.73 Street:  
An established way in public use that provides adequate public safety access.
- 02.74 Structure:  
A combination of materials assembled at a fixed location to give support, shelter or utility. A structure include any building. A fence or wall over six (6) feet high shall be considered a structure. An open terrace not more than three (3) feet above

- 02.00 DEFINITIONS, continued
- 02.74 Structure, cont.  
the mean natural grade level shall not be considered a structure.
- 02.75 Subdivision:  
The division of a tract of land into two (2) or more lots and which shall include re-subdivision. The subdivision of land where each and every lot has frontage on an established way in public use shall not be considered a "subdivision" (as defined in Chapter 41, MGL).
- 02.76 Use:  
The purpose for which land or a structure is to be occupied, maintained, arranged, designed or intended.
- 02.77 Use Categories:  
Conforming- a use fully complying with the Zoning Bylaw.  
Conforming by Permit, Special Permit or Variance - a use where all non-conforming attributes are authorized by Permit, Special Permit or Variance.  
Pre-existing, Non-conforming - a use allowed prior to the current Zoning Bylaw and existing, or established, prior to a prohibiting or regulating Bylaw.  
Non-conforming - a use not allowed by the Zoning Bylaw.
- 02.78 Variance:  
An authorization issued by the Board of Appeals under Chapter 40A, MGL (re: Chapter 808 of the Acts of 1975), which permits a specified waiver of the literal enforcement of a Zoning Bylaw provision or provisions. Variances are applicable only to land conditions, ways and the siting of permanent structures. Variances shall not be issued for uses or activities nor change any Zoning Bylaw measurement or requirement by more than 25%.
- 02.79 Wall-Facade Mounted Sign:  
A sign securely affixed to a wall with its face parallel to the wall to which it is attached; not

02.00 DEFINITIONS, continued

02.79 Wall-Facade Mounted Sign, cont:  
projecting beyond the building face fronting on a  
street or parking lot.

02.80 Warehouse:  
A building where goods or wares are stored, as before  
distribution to retailers, or are kept in reserve.

02.81 Water Dependent:  
Use requires direct access to or location in tidal or  
inland waters, and therefore cannot be located away  
from said waters, and as further defined in 310 CMR  
9.00.

(Amend Section 02.00: April 14, 1998 - Acting on Article 15; on  
April 10, 2001 - Acting on Articles 12 & 13; April 5, 2011 -  
Acting on Article 13; and on April 29, 2014 - Acting on  
Articles 12 & 14)